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23 **UNITED STATES DISTRICT COURT**
24 **NORTHERN DISTRICT OF CALIFORNIA**
25 **SAN FRANCISCO DIVISION**

26 CLAYTON P. ZELLMER,
27
28 Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 3:18-cv-1880-JD

**[PROPOSED] ORDER GRANTING
DEFENDANT FACEBOOK INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

Date: July 8, 2021
Time: 10:00 a.m.
Location: Courtroom 11, 19th Floor
Judge: Hon. James Donato
Trial Date: April 11, 2022
Complaint Filed: March 27, 2018

[PROPOSED] ORDER

Having considered Defendant Facebook, Inc.'s ("Facebook") Administrative Motion to File Under Seal, the Declaration of Lauren Goldman submitted in support thereof ("Goldman Decl."), the Declaration of Gary McCoy in Support of Defendant's Motion for Summary Judgment ("McCoy Decl."), the Declaration of Matthew D. Provance in Support of Defendant's Motion for Summary Judgment (Provance Decl.), and all other matters presented, and having determined that compelling reasons exist for sealing this information, **IT IS HEREBY ORDERED THAT:**

Compelling reasons exist to file the following documents under seal because they constitute trade-secret information for the below-listed reasons, see *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (compelling reasons exist when "court files might have become a vehicle for improper purposes," including the release of trade secrets); and

Facebook's Administrative Motion to File Under Seal is **GRANTED** in its entirety.

The documents listed below shall remain under seal:

Document	Portions to be sealed	Reasons for sealing
McCoy Decl.	Page 1, lines 16-17, 20-26; Page 2, lines 4-8, 12-18, 23-27; Page 3, lines 1-9, 21-26; Or portions thereof.	Portions of the McCoy Declaration contain information relating to the details of Facebook's face-recognition technology, which Facebook has designated as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order in other discovery material it has produced in this matter. Public release of this information would cause Facebook harm by providing competitors with insight into how Facebook designs its computer

		systems and its proprietary face-recognition technology. McCoy Decl. ¶ 17; Goldman Decl. ¶¶ 7-8.
October 18, 2016, deposition transcript of Yaniv Taigman (Ex. 2 to Provance Decl.)	Page 126, lines 1-4; Page 127, lines 5-25; Page 130, lines 1-25; Page 137, lines 21-25; Page 138, lines 1-25; Page 139, lines 1-25; Page 140, lines 1-25; Page 150, lines 1-11; Page 151, lines 3-25; Page 152, lines 1-25; Page 153, lines 1-25; Page 159, lines 1-25; Page 160, lines 1-25; Page 161, lines 1-25; Page 162, lines 1-25; Page 163, lines 1-25; Page 171, lines 1-24; Page 172, lines 9-25; Page 177, lines 1-24; Page 178, lines 1-25; Page 237, lines 1-19; Page 240, lines 1-25; Page 241, lines 1-4, 13-25; Page 273, lines 1-25; Page 274, lines 1-16; Page 340, lines 1-25; Page 341, lines 1-25; Page 366, lines 1-21; Page 367, lines 3-25; Page 368, lines 1-25; Page 369, lines 1-13.	Ex. 2 to the Provance Declaration contains excerpts from the October 18, 2016 deposition testimony of Facebook's employee Yaniv Taigman. Mr. Taigman testified in detail about Facebook's network architecture, how Facebook's proprietary face-recognition technology works, and the way in which Facebook's computer systems interact with and support Facebook's face-recognition technology. These portions of Mr. Taigman's deposition have been designated by Facebook as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order. Public release of this information would cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary face-recognition technology. McCoy Decl. ¶ 17; Goldman Decl. ¶¶ 8-11.
April 21, 2021, deposition transcript of Gary McCoy (Ex. 3 to Provance Decl.)	Page 39, lines 4-25; Page 40, lines 1-10; Page 41, lines 6-25; Page 44, lines 1-25; Page 45, lines 6-25; Page 55, lines 14-17;	Ex. 4 to the Provance Declaration contains excerpts from the April 21, 2021, deposition testimony of Facebook's employee Gary McCoy. Mr. McCoy

	<p>Page 85, lines 6-25; Page 86, lines 1-25; Page 127, lines 2-25; Page 128, lines 1-9; Page 153, lines 7-25; Page 154, lines 1-25; Page 155, lines 1-19; Page 156, lines 21-25.</p>	<p>testified in detail about Facebook's network architecture, how Facebook's proprietary face-recognition technology works, and the way in which Facebook's computer systems interact with and support Facebook's face-recognition technology. These portions of Mr. McCoy's deposition have been designated by Facebook as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order. Public release of this information would cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary face-recognition technology. McCoy Decl. ¶ 17; Goldman Decl. ¶¶ 8-11.</p>
<p>October 26, 2017, deposition transcript of Omry Yadan (Ex. 4 to Provance Decl.)</p>	<p>Page 51, lines 13-23; Page 98, lines 1-25; Page 99, lines 1-25; Page 117, lines 1-25; Page 118, lines 1-25; Page 156, lines 1-25; Page 157, lines 1-25.</p>	<p>Ex. 4 to the Provance Declaration contains excerpts from the October 26, 2017 deposition testimony of Facebook's employee Omry Yadan. Mr. Yadan testified in detail about Facebook's network architecture, how Facebook's proprietary face-recognition technology works, and the way in which Facebook's computer systems interact with and support Facebook's face-recognition technology.</p>

		These portions of Mr. Yadan's deposition have been designated by Facebook as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order. Public release of this information would cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary face-recognition technology. McCoy Decl. ¶ 17; Goldman Decl. ¶¶ 8-11.
Motion for summary judgment	Page 1, line 8; Page 2, lines 4-5; Page 5, lines 1-3, 8-11, 15-17, 21-26; Page 6, lines 1, 5-11, 21-22, 25-27; Page 9, lines 23-24, 26-27; Page 10, lines 27-28; Page 11, lines 19-23; Page 12, lines 4-5; Page 15, lines 5, 23-26; Page 16, lines 11-12; Page 18, line 8; Page 20, lines 7-8; Or portions thereof.	Portions of Defendant's Motion for Summary Judgment reference or discuss the information contained in the McCoy Declaration and the confidential deposition testimony of Gary McCoy, Omry Yadan and Yaniv Taigman. Public release of this information would cause Facebook harm by providing competitors with insight into how Facebook designs its computer systems and its proprietary facial-recognition technology. McCoy Decl. ¶ 17; Goldman Decl. ¶¶ 8-12.

IT IS SO ORDERED.

DATED: _____

Honorable James Donato
United States District Judge